In the High Court for the States of Pun jab and Haryana at Chandigarh.

Crl. Rev. No. 7 of 1993
Decided on July 04,2007.

Rai Singh Petitioner

vs.

State of Punjab Respondent.

Present: Mr.Satinder Khanna, Advocate,for the petitioner

Mr.Sandeep Moudgil, DAG, Punjab.

Pritam Pal,J: (Oral)

This revision by Rai Singh-petitioner, is directed against judgment and order dated December 24, 1992, passed by learned Additional Sessions Judge, Sangrur, whereby the appeal filed by the petitioner against his conviction and sentence of three months with a fine of Rs. 200/- passed on November 20,1991 under Section 354 of I.P.C. by learned Judicial Magistrate Ist Class, Sangrur, was dismissed.

Without going into any further details, suffice it to say that on March 08,1990, modesty of Smt. Nasib Kaur, who was working as a Safai-Sewika, in Nagar Palika, Longowal, was outraged by the petitioner, who, at that time, was working as a Clerk in the said Nagar Palika. The petitioner was charged under Section 354 of I.P.C. Thereafter, the trial Court recorded the evidence and then after hearing the learned counsel

for the parties, convicted and sentenced the petitioner, as stated above, vide impugned judgment and order dated November 20,1991.

After that the petitioner also filed an appeal before the 'Court of Session' . There also, he could not succeed. This is how feeling aggrieved against the aforesaid impugned judgments, the petitioner has come up in this revision before this Court.

Learned counsel for the petitioner, at the outset of his arguments, stated that he does not challenge the order of conviction passed by the Courts below. The only submission put forth on behalf of the petitioner is that the petitioner has already retired from service. He is now 62 years of age and that he be given the benefit of provisions of Probation of Offenders Act.

Against this, learned State Counsel has stated that since the petitioner is proved to have outraged the modesty of a lady, so he is not entitled to the benefit of probation.

I have given my thoughtful consideration to the submissions put-forth on behalf of learned counsel for the parties and find that the petitioner was working as a Clerk in the Nagar Palika, at Longowal, where the complainant was also serving under his charge as Safai Sewika. During the course of her duty, the petitioner had made some overtures to her, to which she had not given any response. The occurrence had taken place about 17 years ago. There is nothing on the file, which could show any adverse remarks against the petitioner except the aforesaid incident. The petitioner has already retired from service. He is now stated to be 62 years of age. Admittedly, the petitioner is also not a previous convict.

Thus, having regard to the antecedents of the petitioner and

also his age, I feel that it is a fit case where the petitioner should be given the benefit of provisions of Probation of Offenders Act. Accordingly, the petitioner is ordered to be released on probation on his furnishing bail/surety bonds in the sum of Rs. 10,000/- with one surety in the like amount for a period of two years to the satisfaction of learned Chief Judicial Magistrate, Sangrur, undertaking that he would keep peace and be of good behaviour during the probation period of two years and I order accordingly. The requisite bonds shall be furnished by the petitioner within a period of one month.

In the result, the order of conviction is maintained and that of sentence imposed by the Courts below is modified, in the terms indicated above.

Criminal Revision is disposed of.

July 04,2007 **(Pritam Pal)**
RR **Judge**